IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Contempt Petition No. 57 of 2007
in
Writ Petition No. 2488 of 2005

Nalini Naresh Kumta ..Petitioner

vs.

1.Shahaji Manikrao Patil and
others ..Respondents

Mr.Sanjay Jain with Mr.R.S.Raymond and Mr.V.P.Shashtri for petitioner.
Mr.B.G.Sawant for respondent nos. 1 and 3
Mr.S.B.Deshmukh for respondent no.2

CORAM: S.C.DHARMADHIKARI J.
31st **July, 2007**

P.C.

1. This contempt petition alleges disobedience and breach of the directions of this Court to dispose of the representation made by the petitioner before me.

2. Shri Jain invites my attention to the order of this Court dated 12th October, 2006 in Writ Petition No.2488 of 2005 wherein the Division Bench has after taking cognisance of the submission of the present petitioner directed that a fresh representation be made to respondent no.1 which shall be considered and disposed of within 8 weeks from the date of receipt of the representation.

3. Writ Petition arises out of the allegations which are

made of mismanagement against the officers of the second respondent Cooperative Housing Society. The first respondent before me is the Deputy Registrar whereas the third respondent is State.

4. The learned A.G.P. states that the first respondent is present in Court and he has instructed him to make a statement that upon receipt of the representation from the petitioner the process was initiated but could not be completed within time stipulated by this Court in as much as taking note of the allegations against the second respondent society it was decided to initiate proceedings under sec.78 of the Maharashtra Cooperative Societies Act, 1960. Therefore, a show cause notice was addressed to the subject officers, their explanations called for and after considering them a detailed order has been passed on 20th April, 2007, a copy of which is annexed as Exhibit H to the contempt petition. He submits that an application for extension of time was made vide Notice of Motion no.20 of 2007 and it is pending.

5. Be that as it may, he states that considering the nature of the allegations and decision to initiate proceedings under sec.78 of the Maharashtra Cooperative Societies Act, 1960 some time was taken and delay is bonafide. The entire action has been completed. Thus, the order passed by this Court has been complied with.

Although, there is some delay it is explained in the peculiar facts and circumstances of the present case and considering the nature of the proceedings.

6. In my view, now that an action has been taken on the representation made and order passed by this Court has been implemented so also the first respondent who appears in person tenders an unconditional apology to the Court for the delay, nothing further needs to be done in the present petition. The contempt petition is disposed of accordingly. However, disposal of this petition will not preclude the petitioner from adopting appropriate proceedings to challenge the order (Exh.H) and pursue his grievance by adopting appropriate proceedings against the order at Exh.H and such proceedings shall be dealt with and disposed of uninfluenced by the outcome of the contempt petition. All contentions of the petitioner as well as the society are expressly kept open. Equally, it is open for the society to challenge the order of supersession, which I am informed by Mr.Deshmukh appearing for respondent no.2 that it is so challenged in appeal which is pending. All contentions in the pending appeal of both sides are also kept open. It is clarified that I have not gone into merits of the matter which is impermissible in the limited jurisdiction under the Contempt of Courts Act, 1971.

7. Petition is disposed of.

(S.C.DHARMADHIKARI J.)